# STATE OF ARIZONA FILED

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## **DEPARTMENT OF INSURANCE**

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In the Matter of the Withdrawal of	) ) Docket No. 19A-159-INS
Somerset Life Insurance Company (NAIC No. 63169)	ORDER
Petitioner.	) ) )

Based upon reliable evidence provided to the Director of Insurance by the Assistant Director of the Financial Affairs Division of the Arizona Department of Insurance ("Department"), the Director finds as follows:

#### FINDINGS OF FACT

- 1. Petitioner is currently licensed in the State of Arizona as a life and disability reinsurer.
  - 2. Petitioner surrendered its Certificate of Authority to the Department.
- 3. Petitioner filed with the Department certified copies of Resolutions of the Petitioner's Board of Directors and the Petitioner's shareholder(s) authorizing Petitioner to withdraw from the insurance business to amend its articles of incorporation to eliminate its insuring powers, and to adopt a new corporate name which shall not include the word "insurance".
- Petitioner filed its certified financial statement as of September 30, 2019 with the
   Department.
- 5. Petitioner has no outstanding obligations under any policies of insurance, whether written direct or through reinsurance ceded to it, to policyholders or claimants.

- 6. Petitioner has a \$100.00 deposit with the Insurance Examiners' Revolving Fund ("IERF").
  - 7. The Department holds a \$100,000 statutory deposit on behalf of the Petitioner.

#### **CONCLUSIONS OF LAW**

- 1. Petitioner has complied with the provisions of A.R.S. § 20-217 and with A.A.C. R20-6-303 relating to the surrender of its Certificate of Authority and its withdrawal from the insurance business.
- 2. Petitioner has complied with the provisions of A.R.S. § 20-588 and with A.A.C. R20-6-303 relating to the release of its \$100,000 statutory deposit.

### **ORDER**

- 1. Petitioner's request to terminate its Certificate of Authority is granted.
- 2. Petitioner may file its Amendment to its Articles of Incorporation ("Articles of Amendment") with the Arizona Corporation Commission ("ACC").
- 3. Petitioner is entitled to the release of its \$100,000 statutory deposit. The Department shall release the Petitioner's statutory deposit after the Department receives the following: (a) an ACC certified copy of Petitioner's ACC filed Articles of Amendment; (b) a fully executed Form E126CD (Request for Release of Certificate of Deposit) and a Treasurer Release Receipt Form E101, and (c) payment of any outstanding IERF invoices. The Director has no personal liability for the release of such deposit so made by him in good faith as provided in A.R.S. §20-588(B).
- Petitioner shall file its 2019 Annual Statement with the Department unless it files
   Articles of Amendment with the ACC on or before December 31, 2019.

1	5.	Petitioner shall pay its Certificate of Authority renewal fee to the Department and			
2	file its 2019	Annual Form "B" Registration Statement with the Department unless it files Articles			
3	of Amendme	ent with the ACC on or before March 31, 2020.			
4	6.	The Department shall refund to the Petitioner the \$100.00 that was previously			
5		he IERF pursuant to A.R.S. § 20-159.			
6	Effec	tive this day of November_, 2019.			
7					
8		KELTH A. SCHRAAD			
9		Director of Insurance			
10	COPY of the	e foregoing mailed/delivered			
11	this 19th day of Nov. 1m bu , 2019, to:				
12	James E. Brophy Ryley Carlock & Applewhite Attorneys				
13	One North Central Ave., Suite 1200 Phoenix, Arizona 85004-4417				
14	150	ki, Regulatory Legal Affairs Officer			
15	Steven Fromholtz, Assistant Director Kurt Regner, CFE, Assistant Director				
16	Catherine O'Neil, Consumer Legal Affairs Officer Cary Cook, Chief Financial Compliance Officer Arizona Department of Insurance 100 North 15 <sup>th</sup> Avenue, Suite 102				
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18	Phoenix, Ari	zona 85007			
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